

MS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 AUG -8 AM 10:28

UNITED STATES OF AMERICA,

Plaintiff,

v.

BARAJAS-Razo, Ernesto

Defendant.

Magistrate Case No.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

Attempted Entry After

Deportation


CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 2459

DEPUTY

The undersigned complainant being duly sworn states:

On or about **August 7, 2008**, within the Southern District of California, defendant **Ernesto BARAJAS-Razo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.


SIGNATURE OF COMPLAINANT
Alfredo Loperena, Enforcement Officer
U.S. Customs and Border Protection

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 8th DAY OF August, 2008.


UNITED STATES MAGISTRATE JUDGE

DOA
8/07/08
9218

PROBABLE CAUSE STATEMENT

On August 7, 2008, at approximately 1:05 PM, **Ernesto BARAJAS-Razo, (Defendant)** made application for admission to the United States from Mexico at the **San Ysidro Port of Entry** via the pedestrian primary lanes. Defendant orally declared himself to be a United States citizen to a U.S. Customs and Border Protection (CBP) Officer. Defendant had no photo identification and was referred to secondary for further inspection.

During the secondary inspection, Defendant's fingerprints were queried in the Integrated Automated Fingerprint Identification System (IAFIS), which verified Defendants identity. Further queries in the Immigration Central Index System and the Deportable Alien control System confirmed the Defendant was ordered deported from the United States on January 29, 2007, and physically removed from the United States through the Nogales, Arizona Port of Entry on the same day. Immigration service records indicate the Defendant has not applied for nor received permission to legally reenter the United States by the Attorney General or the Secretary of Homeland Security.